

UNITED STATES DISTRICT COURT

for the
Middle District of AlabamaRONALD A. HOLLON, SR.
v.
CSX TRANSPORTATION, INC.

Case No.: 2:06-DV-0199-WKW-CSC

Bill of Costs

Judgment having been entered in the above entitled action 06/18/2008 against Plaintiff,
Date

the Clerk is requested to tax the following as costs:

Fees of the Clerk	\$ _____
Fees for service of summons and subpoena	_____
Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case	<u>3,043.71</u>
Fees and disbursements for printing	_____
Fees for witnesses (itemize on page two)	<u>0.00</u>
Fees for exemplification and copies of papers necessarily obtained for use in the case	<u>56.50</u>
Docket fees under 28 U.S.C. 1923	_____
Costs as shown on Mandate of Court of Appeals	_____
Compensation of court-appointed experts	_____
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828	_____
Other costs (please itemize)	_____
TOTAL	\$ <u>3,100.21</u>

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

Declaration

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill has been served on all parties in the following manner:

- ☒ Electronic service by e-mail as set forth below and/or.
- ☒ Conventional service by first class mail, postage prepaid as set forth below.

s/ Attorney: s/ Daniel P. HartName of Attorney: Daniel P. HartFor: CSX Transportation, Inc. Date: 06/18/2008

Name of Claiming Party

Costs are taxed in the amount of _____ and included in the judgment.

Clerk of Court

By: _____
Deputy Clerk

Date

Witness Fees (computation, cf. 28 U.S.C. 1821 for statutory fees)

NOTICE

"Sec. 1924. Verification of bill of costs."

See also Section 1920 of Title 28, which reads in part as follows:

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

The Federal Rules of Civil Procedure contain the following provisions:

RULE 54(d)(1)

Costs Other than Attorneys' Fees.

Unless a federal statute, these rules, or a court order provides otherwise, costs — other than attorney's fees — should be allowed to the prevailing party. But costs against the United States, its officers, and its agencies may be imposed only to the extent allowed by law. The clerk may tax costs on 1 day's notice. On motion served within the next 5 days, the court may review the clerk's action

RULE 6

(d) **Additional Time After Certain Kinds of Service.**

When a party may or must act within a specified time after service and service is made under Rule5(b)(2)(C), (D), (E), or (F), 3 days are added after the period would otherwise expire under Rule 6(a).

RULE 58(e)

Cost or Fee Awards:

Ordinarily, the entry of judgment may not be delayed, nor the time for appeal extended, in order to tax costs or award fees. But if a timely motion for attorney's fees is made under Rule 54(d)(2), the court may act before a notice of appeal has been filed and become effective to order that the motion have the same effect under Federal Rule of Appellate Procedure 4(a)(4) as a timely motion under Rule 59.

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

Ronald A. Hollon, Sr.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:06-CV-1099-WKW-CSC
)	
CSX Transportation, Inc.,)	
)	
Defendant.)	

SUMMARY OF COSTS TO BE TAXED

<u>Date</u>	<u>Description</u>	<u>Amount</u>
09/19/2007	Original Transcript and Videotape of Deposition of Robert A. Hollon, Sr.	\$2,363.45
10/30/2007	Deposition Transcript of Rodney Workman (Copy)	\$388.62
10/29/2007	Deposition Transcript of Travis M. Pendergrass (Copy)	\$291.64
9/11, 9/14, and 9/17/2007	565 pages were copied and produced x \$0.10 per page	\$56.50
	TOTAL:	\$3,100.21

Paul Hastings Paul, Hastings, Janofsky & Walker LLP 515 South Flower Street, 25th Floor Los Angeles, CA 90071 • 213-683-6000 Operating Account		BANK OF AMERICA Community Development Bank 1500 Newell Avenue, Suite 200, Walnut Creek, CA 94596 90-4182 1211	
PAY TO THE ORDER OF * BOGES & ASSOCIATES P.O. BOX 546 MONTGOMERY, AL 36101-0546		CHECK NO. 130094 DATE 11-01-07 CHECK NO. 130094 AMOUNT \$2,363.45 Paul, Hastings, Janofsky & Walker LLP	
TWO THOUSAND THREE HUNDRED SIXTY-THREE AND 45/100		NOT NEGOTIABLE	

⑈ 130094 ⑈ ⑆ 121141822 ⑆ 73138⑈00624⑈

Paul, Hastings, Janofsky & Walker LLP

DETACH AND RETAIN THIS STATEMENT

THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW. IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT REQUIRED.

INVOICE DATE	INVOICE NO.	DESCRIPTION	ACCOUNT NO.	AMOUNT
10-04-07	JB071708		Received on NOV 05 2007 SiteScan	2,363.45
SCANNED NOV 10 2007		DATE CHECKS MAILED:		

Boggs Reporting & Video Services Online System - View Invoice

Page 1 of 1



**Boggs Reporting and Video
Services**
PO Box 546
Montgomery, AL 36101-0546

Office: 334.264.6227
Fax: 334.285.0448
Toll Free: 1.800.397.5590
Email: JBoggs@boggsreporters.com
www.boggsreporters.com

INVOICE


Job Number: JOB070864

Mr. William Barker
Paul, Hastings, Janofsky, & Walker
600 Peachtree Street
Suite 2400
Atlanta, GA 30308

DATE	NUMBER
10/4/2007	JB071708

Case Name	Statement Description	Case No.
HOLLON v CSX	VIDEOTAPED DEPO OF: RON HOLLON	2:06-CV-1099-WKW

Service Date	Style: RONALD A. HOLLON, SR. v CSX TRANSPORTATION, INC.	Amount
9/19/2007	DEPOSITION OF RONALD A. HOLLON, in the above styled cause, one original & one copy:	\$1,107.45
	VIDEOTAPED DEPOSITION, 8 hrs @ \$125 ph, DVD copies & Video synchronization:	\$1,000.00
	REPORTER APPEARANCE FEE (all day):	\$150.00
	MAILING FEE:	\$25.00
	EXHIBIT COPIES, 72 pgs @ \$. 50 pp scanned .pdf & copied:	\$36.00
	TRAVEL TRANSCRIPT:	\$30.00
	E-TRANSCRIPT:	\$15.00

TOTAL DUE \$2,363.45 Terms: Due Upon Receipt	
Thank you for your business..... Tax ID No: provided upon request Questions? call 1-800-397-5590 Remit upper portion with check Make Checks Payable to: Boggs & Associates	If you wish to pay this invoice by Mastercard/Visa, log onto our website @ www.boggsreporters.com and click on the PayPal logo - It's free, It's fast and It's secure.  PayPal is used by over 1,000,000 customers on Ebay.

Paul Hastings Paul, Hastings, Janofsky & Walker LLP 515 South Flower Street, 25th Floor Los Angeles, CA 90071 • 213-683-6000 Operating Account	BANK OF AMERICA Community Development Bank 1500 Newell Avenue, Suite 200, Walnut Creek, CA 94596 90-4182 1211	CHECK NO. 676003
TWO THOUSAND ONE HUNDRED THIRTY AND 21/100		
PAY TO THE ORDER OF	DATE 12-03-07	CHECK NO. 676003
BROWN & GALLO, LLC P.O. BOX 934157 ATLANTA, GA 31193-4157	AMOUNT \$2,138.21	Paul, Hastings, Janofsky & Walker LLP
NOT-NEGOTIABLE		

⑆676003⑆ ⑆123141822⑆ 73138⑆00621⑆

Paul, Hastings, Janofsky & Walker LLP

DETACH AND RETAIN THIS STATEMENT
 THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW. IF
 NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT REQUIRED.

INVOICE DATE	INVOICE NO.	DESCRIPTION	ACCOUNT NO.	AMOUNT
11-21-07 ✓	61711 ✓			• 388.62 ✓
11-14-07 ✓	61312 ✓			• 291.64 ✓
10-30-07 ✓	60566 ✓			795.81 ✓
09-24-07 ✓	58580 ✓			854.14 ✓
SCANNED DEC 05 2007		DATE CHECKS MAILED:	Received on	

BROWN & GALLO

LLC

Telephone (404) 495-0777
 (404) 876-8979
 Toll Free (877) 495-0777
 (800) 637-0293
 Fax (404) 495-0766

www.galloreporting.com

WILLIAM C. BARKER, ESQ.
 PAUL, HASTINGS, JANOFSKY & WALKER, LLP - GA
 SUITE 2400
 600 PEACHTREE STREET
 ATLANTA, GA 30308

Invoice #61711

Date	Terms
11/21/2007	NET 30

Assignment	Case	Bg File #	Shipped	Shipped Via
10/30/2007	HOLLAND vs. CSX RAILROAD	22377	11/16/2007	F-X-S

Description
Copy Transcript of RODNEY WORKMAN

Amount Due: \$ 388.62
 Paid: \$ 0.00

LOCATION OF DEPOSITION: JACKSONVILLE, FLORIDA

Balance Due:	\$ 388.62
Payment Due:	12/21/2007

After 12/31/2007 Pay This Amount: \$ 427.48

Tax Number: 20-8233517

Method of Payment

☐ VISA

☐ MasterCard

☐ American Express

☐ Check Enclosed

Please Make Check Payable to Brown & Gallo, LLC

Amount Authorized _____

Credit Card Number

Exp. Date

Signature (as it appears on your credit card)

Print Name (as it appears on your credit card)

Daytime Phone Number

Remit to: Brown & Gallo, LLC P.O. Box 934157 Atlanta GA 31193-4157

BROWN & GALLO

LLC

Telephone (404) 495-0777
 (404) 876-8979
 Toll Free (877) 495-0777
 (800) 637-0293
 Fax (404) 495-0766

www.galloreporting.com

WILLIAM C. BARKER, ESQ.
 PAUL, HASTINGS, JANOFFSKY & WALKER, LLP - GA
 SUITE 2400
 600 PEACHTREE STREET
 ATLANTA, GA 30308

Invoice #61312

Date	Terms
11/14/2007	NET 30

Assignment	Case	Bg File #	Shipped	Shipped Via
10/29/2007	HOLLAND vs. CSX RAILROAD	22377	11/12/2007	F-X-S

Description
Copy Transcript of TRAVIS MIKEL PENDERGRASS

Amount Due: \$ 291.64
 Paid: \$ 0.00

LOCATION OF DEPOSITION: JACKSONVILLE, FLORIDA

Balance Due:	\$ 291.64
Payment Due:	12/14/2007

After 12/24/2007 Pay This Amount: \$ 320.80

Tax Number: 20-8233517

Method of Payment

☐ VISA

☐ MasterCard

☐ American Express

☐ Check Enclosed

Please Make Check Payable to Brown & Gallo, LLC

Amount Authorized _____

Credit Card Number

Exp. Date

Signature (as it appears on your credit card)

Print Name (as it appears on your credit card)

Daytime Phone Number

Remit to: Brown & Gallo, LLC P.O. Box 934157 Atlanta GA 31193-4157

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

Ronald A. Hollon, Sr.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:06-CV-1099-WKW-CSC
)	
CSX Transportation, Inc.,)	
)	
Defendant.)	

BRIEF IN SUPPORT OF DEFENDANT’S BILL OF COSTS

On May 22, 2008, the United States District Court for the Middle District of Alabama entered a Judgment in favor of Defendant CSX Transportation, Inc. (“CSXT” or “the Company”) and against Plaintiff Ronald A. Hollon, Sr. in the above-styled case. As the prevailing party, Defendant is entitled to costs under Federal Rule of Civil Procedure 54(d)(1) and Local Rule 54.1(a).

The costs requested by Defendant are those associated with the defense of its case, including: (1) court reporter costs relating to depositions and (2) costs for copies. These costs have been documented in detail in the accompanying Bill of Costs. Also included with the Bill of Costs is a Summary of Costs demonstrating the calculations of Defendant’s requested costs.

The items set forth in Defendant’s Bill of Costs are taxable under 8 U.S.C. § 1920 (1982), which states, in applicable part:

A judge or clerk of any court of the United States may tax as costs the following:

(2) Fees of the court reporter for all or any part of the stenographic transcript necessarily obtained for use in the case;

* * *

(4) Fees for exemplification and copies of papers necessarily obtained for use in the case.

Each type of cost sought by Defendant is specifically included within the above statutory language, and should be deemed reasonable by this Court.

Defendant respectfully asserts that the costs it seeks to tax are reasonable and such costs were necessarily incurred in this case. For the reasons set forth above, Defendant urges the Court to tax these costs in full.

Dated: June 18, 2008

Respectfully submitted,

PAUL, HASTINGS, JANOFSKY
& WALKER, LLP
600 Peachtree Street, N.E.
Suite 2400
Atlanta, Georgia 30308
Phone: (404) 815-2400
Facsimile: (404) 815-2424

/s/ Daniel P. Hart
Weyman T., Johnson, Jr.
Georgia Bar No. 395775
William C. Barker
Georgia Bar No. 037727
Daniel P. Hart
Georgia Bar No. 141679

Attorneys for Defendant
CSX Transportation, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

Ronald A. Hollon, Sr.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:06-CV-1099-WKW-CSC
)	
CSX Transportation, Inc.,)	
)	
Defendant.)	

CERTIFICATE OF SERVICE

I hereby certify that on June 18, 2008 I electronically filed the foregoing **BRIEF IN SUPPORT OF DEFENDANT'S BILL OF COSTS** with the Clerk of Court using the EM/ECF system, which will automatically send e-mail notification of such filing to the following attorney of record. I also certify that I served a copy via U.S. mail:

Gary E. Atchison, Esq.
P.O. Box 2002
492 S. Court St.
Montgomery, AL 36102
Telephone: (334) 262-7232

/s/ Daniel P. Hart
Attorney for Defendant
CSX Transportation, Inc.